**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 3850 of 2005**

Between:

1 G.Sailu @ Desam, S/o.Narasaiah,
R/o.Shameerpet (V), and Mandal, R.R.District.
2 G.Dasaradha Goud, S/o.Narasaiah,
R/o.Shameerpet (V), and Mandal, R.R.District.
3 G.Venkatesh, S/o.Narasaiah,
R/o.Shameerpet (V), and Mandal, R.R.District.
4 G.Narayana, S/o.Sailu,
R/o.Solipeta (V), Bommalaramaram (M),
Nalgonda District.

**..... PETITIONERS**

AND

1 The Chief Engineer,

A.P.TRANSCO, Vidyut Soudha, Somajiguda,

Hyderabad.
2 The Superintending Engineer,

AP TRANSCO, Bommalaramaram,

Nalgonda District.
3 The Divisional Engineer,

AP TRANSCO, Bhongir, Nalgonda

District.
4 The Assistant Engineer,

AP TRANSCO., Bommalaramaram,

Nalgonda District.
5 The District Collector,

Nalgonda, Nalgonda District.

6 The Revenue Divisional officer,

Bhongir, Nalgonda District.

7 The Mandal Revenue officer,

Bommalaramaram, Nalgonda

District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession of the petitioners land in sy.No.131 an extent of 6 Ac.situated at solipet (V), Bommalaramaram Mandal, Nalgonda District for establishing the Electric Sub-station, though the petitioners are in possession of the land since 1954, without giving any opportunity as illegal, arbitrary, unconstitutional and against the principles of natural justice and consequently direct the respondents not to interfere with the possession of the petitioners land.

**Counsel for the Petitioner: Mr. PRABHAKAR BOMMAGANI**

**Counsel for Respondents 1 to 4: Mr. M.SREERAMULU REDDY, SC for A.P.TRANSCO)**

**Counsel for Respondents 5 to 7: GP for Revenue**

**The Court at the admission stage made the following :**

**ORDER:**

Heard both sides and at their request the main Writ Petition is taken up for disposal at the stage of admission.

2 . The petitioner is aggrieved by the proposed action of the respondents in interfering with the peaceful possession and enjoyment of his land without following the procedure contemplated under law.

3. It is the contention of the learned counsel for the petitioner that he owns an extent of Ac.6-00 of land in Solipet village of Bommalaramaram mandal, Nalgonda District in Sy.No.131. He asserts that the land belongs to him, which can be demonstrated by the entries in the pahanis and also issuance of pattadar pass books to an extent of Ac.2-00 of land. He further asserts that with regard to the remaining extent of Ac.4-00 of land out of a total extent of Ac.6-00 of land, right from 1954, there are entries in the khasra pahanis showing that the land belongs to the forefathers of the

petitioners. Subsequently, the name of the 1st petitioner also finds place in the pahanis. Of course, the entries in the pahanis may not necessarily be a conclusive proof to establish the title. It has to be established independently. However, *prima facie,* there is sufficient proof available with the petitioners that they are the owners of the land, which was referred to above. It is further alleged that the respondent is contemplating to erect an electric sub-station in the disputed land without issuing any show cause notice and hence, the same is contrary to the principles of natural justice. However, it is further submitted that there is an extent of Ac.17-00 of land abutting this land belonging to the Government, available for erecting electric sub-station. Therefore, it is the contention of the learned counsel for the petitioner that choosing this particular piece of land, which is in dispute, for erection of electric sub-station is arbitrary and the same is motivated.

4. Learned counsel for the respondent submits that no proposal to erect sub-station had been taken shape and further that if there is any proposal to erect electric sub-station, the land, if any, belongs to the petitioners, found if necessary, could be acquired in accordance with the provisions of the Indian Electricity Act, 1910 (for short, “the Act”) i.e. as contemplated under Sections 16, 17 and 18 of the Act, after paying due compensation. Hence, he contends that this is only litigation, which is initiated with an apprehension that the land belonging to the petitioners would be taken away.

5 . Recording the submission made by the learned counsel appearing for the respondents, it would suffice to close the Writ Petition with a direction to the respondents to issue a show cause notice to the petitioners before any such proposal is on the anvil to erect an electric sub-station or for any other purpose and proceed in accordance with the provisions of the Act. It is needless to mention that the respondents may also construct the sub-station in Ac. 17-00, which is said to be abutting the land belonging to the petitioners, if found suitable. It is also needless to mention that till such time, no further interference shall be caused by the respondents.

6. With the above observation, the Writ Petition is closed.

---

(D.S.R.VARMA,J)

1st March, 2005.

tsy

To

1 The Chief Engineer,

A.P.TRANSCO, Vidyut Soudha, Somajiguda,

Hyderabad.

2 The Superintending Engineer,

AP TRANSCO, Bommalaramaram,

Nalgonda District.

3 The Divisional Engineer,

AP TRANSCO, Bhongir, Nalgonda

District.

4 The Assistant Engineer,

AP TRANSCO., Bommalaramaram,

Nalgonda District.

5 The District Collector,

Nalgonda, Nalgonda District.

6 The Revenue Divisional officer,

Bhongir, Nalgonda District.

7 The Mandal Revenue officer,

Bommalaramaram, Nalgonda

District.

8 Two CCs to the G.P. for Revenue, High Court Buildings,

Hyderabad. (OUT)

9 Two CD copies.